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UNITED STATES DISTRICT COURT
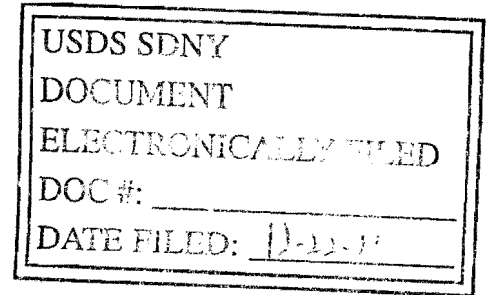SOUTHERN DISTRICT OF NEW YORK

ANEGADA MASTER FUND LTD., *et al.*,

     Plaintiffs,

 -v-

PXRE GROUP, LTD., *et al.*,

     Defendants.

No. 08 Civ. 10584 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

 The Court is in receipt of a letter from Defendants, dated December 22, 2011, requesting leave to file certain exhibits under seal in connection with its motion for summary judgment. Such exhibits have been designated as confidential pursuant to a protective order that was entered by this Court on May 31, 2011. However, the fact that the parties have designated certain documents as confidential among themselves does not mean that the parties have rebutted the "strong presumption of public access to court records" that exists in federal courts. *Video Software Dealers Assoc. v. Orion Pictures Corp.*, 21 F.3d 24, 26 (2d Cir. 1994) (citing *Nixon v. Warner Comm'cns, Inc.*, 435 U.S. 589, 597-98 (1978)). This presumption applies to judicial documents, meaning documents "relevant to the performance of the judicial function and useful in the judicial process." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Motion papers and accompanying submissions are such judicial documents. *See id.* at 122.

 Accordingly, Defendants' request to file exhibits under seal is denied. Defendants may, however, make an additional submission identifying the documents they wish to file under seal and the reasons under *Lugosch* that justify such treatment. *See Lugosch*, 435 F.3d at 119 (noting

that "countervailing factors" to the presumption of open records "include but are not limited to

the danger of impairing law enforcement or judicial efficiency and the privacy interests of those

resisting disclosure" (internal quotation marks omitted)).

SO ORDERED.

Dated: December 22, 2011
              New York, New York

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE